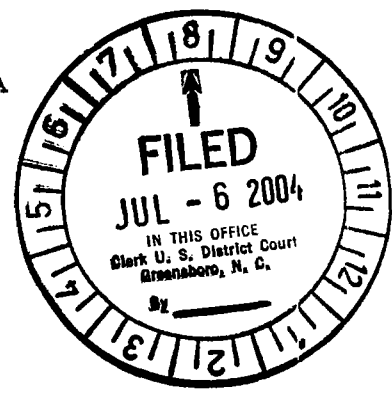


D/LS

444

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



CROWN CORK & SEAL COMPANY, INC.)
and CLARK EQUIPMENT COMPANY,)
Plaintiffs,)
v.)
CBS CORPORATION, et al.,)
Defendants.)
-----)
CBS CORPORATION, et al.,)
Third-Party Plaintiffs,)
v.)
INGERSOLL-RAND COMPANY, et al.,)
Third-Party Defendants.)

1:99CV00869

RECOMMENDATION NO. 24 OF UNITED STATES MAGISTRATE JUDGE

Plaintiffs have filed a motion to dismiss and bar all further claims, cross-claims and third-party claims against settling defendant Reeves Brothers, Inc. ("Reeves"). (Docket No. 424) Defendant Reeves has filed a motion to dismiss the cross-claims or third-party claims by any party. (Docket no. 430) No party has filed an opposition to these motions. The basis for these motions is the same as was dealt with in Recommendation No. 3. This Recommendation was adopted by the Court and judgment was entered on January 9, 2001. (Docket Nos. 219 & 220) For the same reasons as were set out in Recommendation No. 3, it is recommended that plaintiffs' motion to dismiss as to this defendant and defendant Reeves' motion to dismiss cross-claims and third-party claims by any party should be granted as well.

IT IS THEREFORE RECOMMENDED that plaintiffs' motion to dismiss Reeves Brothers, Inc. as a defendant from this lawsuit with prejudice, and further, that all cross-claims and third-party claims arising out of plaintiffs' claims for recovery of their RI/FS costs, RD/RA costs, or any other response costs against Reeves be barred (docket no. 424) and as joined in by defendant Reeves Brothers, Inc. (docket no. 430) be granted, and that the Court, in fact, dismiss all claims, including any cross-claim or third-party claim, against defendant Reeves with prejudice as a result of its settlement of plaintiffs' claims, and further, that the Court accept the Uniform Comparative Fault Act proportionate share rule for this case so that plaintiffs' contribution claims against the non-settling defendants will be reduced by the fair share of Reeves Brothers, Inc., and further, that a final, appealable judgment be entered concerning the dismissal of Reeves Brothers, Inc. from this action, inasmuch as there is no just reason to delay the entry of a final, appealable judgment.


United States Magistrate Judge

July 6 , 2004